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January 3, 2025

**VIA ELECTRONIC FILING**

Hon. Kenneth M. Karas, U.S.D.J.  
Southern District of New York  
The Hon. Charles L. Brieant Jr. Federal Building  
300 Quarropas Street  
White Plains, NY 10601-4150

**Re: *Elavon, Inc. v. Northeast Advance Techs., Inc., et al.***  
**Civil Action No. 7:15-cv-7985-KMK-PED**

Dear Judge Karas:

My firm represents plaintiff Elavon, Inc. in the above-referenced action. I write to update the Court concerning the Joint Final Pretrial Order (JFPTO) due on January 9, 2025, as well as request an adjournment of the deadline to file the JFPTO until April 4, 2025.

Immediately following this Court's entry of its December 9, 2024 Order directing the parties to submit a JFPTO by January 9, 2025, I mailed the Order to the remaining defendants, namely Northeast Advance Technologies, Inc., Samuel Brach, Joshua Brach and Esteban Castillo (the "Defendants"). On December 23, 2024, not having heard from the Defendants, and not having any contact information other than their mailing addresses, I emailed Mr. Landrigan, Defendants' prior counsel, requesting that he provide telephone and/or email contact information for the Defendants. He did not respond, but on December 31, 2024, I received a phone call from Mr. Mendel Brach, who I believe is Samuel Brach's brother and Joshua Brach's uncle. Mendel Brach stated that he heard from Mr. Landrigan and the Defendants are presently "speaking to" David Berg, Esq., and might retain his firm to represent them at the trial of this action. He asked me to contact Mr. Berg to work out an extension of time to file the JFPTO.

Mr. Berg and I spoke earlier today. He told me that he is negotiating with the Defendants concerning his appearance on their behalf but that nothing is definite at this time, and even if he were to be retained he would require a lengthy run-up to the submission of the JFPTO because he has no familiarity with the voluminous evidentiary record in this matter.

Separately, on February 17, 2025, I am scheduled to begin a trial in the Eastern District of Michigan before the Honorable Jonathan J.C. Grey, U.S.D.J., in the case of *United States v. Rhodes*, No. 2:21-cv-12383, and the parties are presently engaged in the completion of the JFPTO in that case.

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As a result, I respectfully request that the Court adjourn the deadline to file the JFPTO from January 9, 2025 to April 4, 2025, which will provide enough time for me to complete the trial in *Rhodes* and for Mr. Berg or other counsel to appear on Defendants' behalf and get up to speed. In the meantime, however, owing to the uncertainty over whether Defendants will retain counsel, as well as their refusal to communicate with me directly or even provide their contact information, I also respectfully request a conference before Your Honor or Magistrate Judge Davison in order to impress upon them the need either to retain counsel, settle the action or at the very least provide me with their contact information so that we may collaborate on the *Joint* FPTO.

My client and I thank the Court for its consideration of this submission.

Respectfully submitted,

/s/ Daniel Ginzburg

Daniel Ginzburg

Cc: All Counsel of Record (via ECF)  
Esteban Castillo (via regular mail)  
Northeast Advance Technologies, Inc. (via regular mail)  
Samuel Brach (via regular mail)  
Joshua Brach (via regular mail)

Application is denied. This case is nearing its tenth birthday and needs to be tried. To the extent counsel for Defendants withdrew, it was and is incumbent on Defendants to retain new counsel and to have that counsel expeditiously defend this case. The Court will not wait any longer to get this case ready for trial.

So Ordered.

A handwritten signature in black ink, appearing to be "MK", is written over the text "So Ordered." and the date "1/3/25".

1/3/25

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